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52349 7590 12/02/2010 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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***Response to Arguments***

1. Applicant's arguments filed 11/08/10 have been fully considered but they are not persuasive.

In the combination, it is agreed that Stella teaches an adaptive threshold. However, the applicant argues that Stella does not disclose or suggest (i) setting (as a threshold value) a minimum hold value representing a minimum value of the audio data, wherein the set minimum hold value increases over time, and (ii) changing a rate of the increase of the minimum hold value according to the determined detection sensitivity, as recited in claim 1. The examiner disagrees.

Stella teaches a minimum value, wherein the value increases over time (see Stella, column 4, lines 34-55, including the "average\_frame\_power.sub.j" equation). The equation, taught by Stella, teaches a value that increases over time as more frames are averaged in by advancing the index  $j$ . The equation also is set to zero at index  $j = -1$  (see Stella, column 4, line 45). It is clear that the equation will increase over time from a value of zero.

The equation also teaches changing a rate of the increase according to the determined detection sensitivity, wherein Stella teaches a frame power (see Stella, column 4, line 15, and lines 23-55). In the combination, Suito teaches a detection sensitivity based on the amplitude of the signal and noise (see Suito, ¶ 0084 in view of ¶ 0078-0084). It is obvious that amplitude and power are directly related, and it is obvious that the equation, taught by Stella, changes the rate of

the increase of the minimum hold value according to the current frame power level, which may be different than the previous or next frame.